

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot and Docking Commission
April 18, 2017**

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, April 18, 2017 at One Penn Plaza East, Board Room, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:05 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

Commissioner Timothy J. Dacey (present); Commissioner Brian McEwing (absent); Commissioner Jacob Shisha (via tele-conference); Commissioner Charles Wowkanech (present).

Approval of the March 21, 2017 regular meeting minutes

A motion was made by Commissioner Wowkanech and seconded by Commissioner Shisha to approve the March 21, 2017 meeting minutes. All voted in favor.

Resolution #17-13 to approve the April 21, 2017 Treasurers Report

A motion was made by Commissioner Wowkanech and seconded by Commissioner Shisha to pass Resolution #17-13 to approve the April 2017 Treasurers Report. All voted in favor.

Executive Director's Report

- A. Update on Commission Regulations - The veto period for the minutes in which the resolution was passed, will expire on April 20, 2017. All of the necessary paperwork has been put together and properly signed for submission to the office of Administrative Law. The paperwork will be submitted on April 21, 2017 and should be published in the May 15, 2017 edition of the New Jersey Register. The Commission's current rules will expire on May 7, 2017. Typically, the rules become effective on the date that they are published, but Ms. Stuckey has requested that the rules become effective upon receipt by the Office of Administrative Law.
- B. Discussion with DOT Budget Office - Ms. Stuckey received a call from Ron Calderon at the DOT's budget office, informing her that the Commission's funds were low and there was not enough to make it to the end of the fiscal year. After a lengthy conversation, it was determined that the DOT's budget office was not utilizing the Commission's surplus from the previous year. Mr. Calderon stated that he was not advised that the Commission wanted to utilize the surplus funds. Ms. Stuckey gave him an overview of the Commission's account history and why the Commission adjusts their pilotage fees periodically. She also reminded Mr. Calderon that she attempted to meet with him to go over the Commission's fees and expenses to ensure that the funds were being allocated properly. He apologized, and stated that he has experienced so much turnover in his office, that time did not permit the meeting. After the veto period expires, Ms. Stuckey will send Mr. Calderon a copy of the Commission's FY16 audit. At that time, he will provide the Commission with a copy of their accounts to date. Ms. Stuckey will also provide Mr. Calderon with a copy of the Commission's annual budgets moving forward.
- C. Hudson River Update - Since the Commission's last meeting, there has been a report of three transport jobs on the Hudson River.
- D. Nicholas Pitch State Exam - Apprentice Nicholas Pitch is scheduled to take his state licensing exam during the week of August 7, 2017 and is scheduled to join the rotation board on October 1, 2017. The Commission received a request from Metro Pilots and Interport Pilots to call two of the apprentices off the new Docking Pilot Apprentice Selection

List. Since the new list does not become effective until the end of the veto period, the apprentices will attend the May 16, 2017 meeting to be appointed.

- E. Simulation Exercises - The exercises for the pilots are scheduled to be completed in May. This means that shortly after the Commission should receive a report of the recommendations for the ULCV's. In the meantime, Ms. Stuckey has contacted Frank Keane from the New York Commission to begin of working together with the pilot presidents, including docking pilots to come up with recommendations for the pilot to pilot exchange.
- F. Annual Report - Ms. Stuckey mailed out a draft of the 2016 Annual Report to the Commissioners and the Authorities Unit. She asked that all comments be submitted to her during the April 18th meeting for the necessary adjustments. Once the report is finalized, she will submit the report to Thomas Huth for final approval from the Governor's Press office. Her hope is to have a resolution on the agenda for the May meeting for the Commission's approval, so she can proceed with printing and distribution of same.
- G. Harbor Ops - The next Harbor Ops meeting is scheduled for May 17, 2017 followed by an Oil terminal roundtable meeting. Ms. Stuckey will report on both at the June 20th board meeting.
- H. Harbor Master Position - This issue has been brewing within the industry since the pilots began the simulation exercises. The initial idea was to have a person or body of persons to be able to manage the port. Several ideas were bounced around including having the Port Authority run the "position" and then the pilots, etc. It was also requested that Harbor Ops designate a committee to look into the position and come back with recommendations. It was decided by the Standing Committee that a current committee, which is co-chaired by Captain Robert Flannery would look into the issue. Ms. Stuckey suggested previously, that she believes that the talk of such a position is preliminary. There are many entities within this port that perform functions that come together and make the port work. Now that the arrival of the ultra large container vessels is becoming a reality, agencies and terminals are stepping up to prepare. As an example PNCT began a pilot project to place their cranes in the middle of the ship so they won't present an obstacle when the large vessels pass. Ms.

Stuckey believes that state pilots should focus on safely navigating these vessels. It is not known how many of these vessels will be entering the port or how often. In the meantime, information should definitely be more readily shared for the arrival of these vessels. Ms. Stuckey had conversations with John Oldmixon, Bob Flannery and John DeCruz and all agree that this is the right approach. Ms. Stuckey asked Captain Oldmixon and Captain Flannery if they had anything to add. They both agreed with Ms. Stuckey comments.

- I. Maritime Pilot Monthly Apprentice Training Report - The Commissioners were given a copy of the report.
- J. Bayonne Bridge - Ms. Stuckey provided the Commission with a photo received from Captain Oldmixon on the progress of the bridge. Captain Oldmixon reported that the original date of completion was set for the end of the year, but after speaking to the Port Authority, that time line has sense changed to the end of June. He also reports that after speaking with some of the Docking Pilots, there were some concerns about the one way traffic and limiting the air draft of the ships until all the barges are removed.
- K. New York Commission Opinion and Order re: Disney Magic - Ms. Stuckey provided the Commission with a copy of the New York Board's Opinion and Order on the Disney Magic. After the Commissioner's investigation of the incident, it was found that Captain Mattson was non-culpable. New York directed Frank Keane to contact Disney regarding their Masters docking their vessels, and not taking the advice of the state pilot. Disney has recommended that the pilots participate in a joint training with their pilots at MITAGS. Ms. Stuckey discussed this issue with the presidents and they strongly agree that this type of training is not appropriate. Captain Oldmixon and Captain Flannery provided the Commission with their reasons on why they thought the training would be inappropriate.
- L. Notice of Proposed Rulemaking from the United States Coast Guard - The Coast Guard is proposing to change their marine accident occurrence requirements. The proposal increases the minimum damage threshold from \$25,000 to \$79,000 for a reportable incident. Ms. Stuckey summarized an incident that occurred over the weekend in which the CSCL struck the

corner of Newark Maher Terminal. She spoke with the pilots of the CSCL America who indicated that the incident was not immediately reported, because the pilots were not aware that the vessel actually allided with the pile-on until they disembarked, passed by the scene and saw the damage. The docking pilot immediately called Ms. Stuckey and all the proper notifications were made. The following morning, the Coast Guard questioned why the allision was not reported until two hours after it occurred. After conversation, they accepted the pilot's explanation and advised that they would not investigate the allision because the damage was below their reporting threshold of \$25,000. They also expressed concern with the larger vessels that will be coming into the port and how the port will be managed with these small but significant occurences. Frank Keane and Ms. Stuckey explained that both states require pilots to report all allisions with no threshold and will continue to notify the Coast Guard when any occurrences happen. Ms. Stuckey expressed her concern and questioned why with the ultra large vessels coming, the Coast Guard is proposing to change the reporting requirements. To date, she has not received any response. She plans to address the issue with the COTP at the next Harbor Ops meeting.

M. Marine Society Dinner - Ms. Stuckey attended the Marine Society's Annual Dinner on April 3, 2017. The dinner was well attended with many scholarships being provided to students attending maritime colleges. Commissioner Shisha attended on behalf of his law firm. During the function, he inquired why the Commission did not take out an ad journal and support the event. Ms. Stuckey explained that the Commission is not allowed to do so according to the current administration, but recommends that a request be made to the administration to support future events of this nature.

N. Maritime Association Elections - Ms. Stuckey provided a copy of the ballet for the Director positions at the Maritime Association. Captain Robert Flannery has been nominated for a position. Ms. Stuckey has sent the Commission's ballet in support of Captain Flannery.

Ms. Stuckey informed the Commission that Captain Andrew McGovern has received a distinguished Public Service award from the Department of Homeland Security for his work on the Merpac Advisory Committee and was appointed to the

Standing Committee on Marine Safety and Human Factors by the Transportation Research Board. Captain McGovern gave a brief description on his appointment.

Sandy Hook is looking to adjust their rates for the next five years beginning in January 2018. The proposal has to go through the New York legislature before it comes to the Commission for approval. The Commissioners were given a copy of the proposal. Captain Oldmixon will keep Ms. Stuckey up to date on the negotiations with the industry and provide the Commission with a final copy of the rates that will be submitted for proposal.

O. Maritime Association Hall of Fame Awards Dinner - The Maritime Association Hall of Fame dinner is scheduled for May 10, 2017. Ms. Stuckey informed the Commission that she and Mr. Hawkins will attend.

P. Articles of Interest :

- Maritime Executive - American Petroleum Institute's opposition of the New Jones Act Rules
- Maritime Executive - An open letter to the President regarding the impact of his new budget, and the impact it will have on the marine community.

Q. Video Presentation - Ms. Stuckey traveled to Monmouth University for a video presentation on the Ocean Frontiers and how all the entities are working together to ensure all are ready for the larger vessels and the constant changes that take place. The presentation was 55 minutes with a question and answer session following. Green Fire productions offered copies of the video along with a presentation kit to agencies that would be interested in hosting a viewing. Ms. Stuckey will show a ten minute introduction to the video at a later meeting. With the Commission's approval, she would like to host a joint viewing with New York for all regulated pilots and apprentices.

Public Comment (s)

Comments from Captain John Oldmixon, President, Sandy Hook Pilots Association:

Captain Oldmixon updated the Commission on Captain Doug Einhorn's health.

Captain Oldmixon also reports that the ULCV simulation will end on May 25, 2017. He and Captain Flannery will be visiting MITAGS during that time to have a debriefing to discuss the E-pilot and how the position will function going forward. He believes that the E-pilot will have to be a situational exchange. He will have some parameters in writing for the Commission before the May 25th ending date.

Captain Oldmixon reports that he is still waiting to hear back about the current meters at Bergen Point. He plans to have some information about that situation very soon.

Captain Oldmixon states that on May 3-4, 2017 he and Captain Ed Burns will be traveling to Savannah Georgia to look at a replacement for the motor boat Sandy Hook.

Mr. Oldmixon reports that Sandy Hook will be looking at a small rate adjustment and as promised, will keep Ms. Stuckey advised

Captain Oldmixon reports that he received a call from Captain Bill McGovern and Captain John Tooker stating that the MOL Benefactor had lost power. The ship was safely docked and he feels that all the pilots did a very good job in that situation. Ms. Stuckey advised that Captain Tina Vanderploeg is investigating the power loss for the Commission.

Comments from Captain Robert Flannery, Captain, Metro Pilots Association:

Captain Flannery reports that the deconstruction of the old roadway of the Bayonne Bridge will not present any problems to commercial traffic passing through the channel.

Captain Flannery also reports that he will be attending a meeting in Virginia with the American Harbor Docking Pilots Association next week.

Captain Flannery informed the Commission that Metro Pilots will pull Joseph Casaletto off the Apprentice Selection List and will start him as soon as the Commission appoints him.

Committee Reports

- A. Audit Evaluation Committee - During last month meeting, the Committee agreed upon the parameters of the next audit. The Committee will send copies of the existing audit with the proposal to all persons on the current Treasuries list of Approved Cooperative Purchasing Participants.

B. Pension Surcharge Committee - was held on April 18, 2017. The Committee's recommendation was to stay at the current rate, while figuring out a way to manage the collectables to meet the demand for the larger ships. The next meeting is scheduled for September, 2017 and New Jersey will host it.

C. Investigation Committee :

- I. Spirit of Tokyo - Based on the investigators report, Ms. Stuckey recommended that the Commission find no fault on the pilots and the file closed. A motion was made by Commissioner Shisha and seconded by Commissioner Wowkanech to accept the recommendations. All voted in favor.
- II. CSSL American - Still open.

Resolution #17-14 to Approve the Employee Handbook

Ms. Stuckey reported that the final draft of the Employee Handbook has been circulated to the Governor's office and counsel. Both agreed and approved the final draft.

A motion was made by Commissioner Shisha and seconded by Commissioner Wowkanech to approve Resolution #17-14 to Approve the Employee Handbook. All voted in favor.

Executive Session

WHEREAS, the open Public Meetings Act provides that a public body such as The New Jersey Maritime Pilot and Docking Pilot Commission may meet in closed session to discuss legal and personnel matters, and

WHEREAS, the Commission desires to meet in closed session to discuss such matters.

NOW THEREFORE, be it resolved that the Commission shall at this time meet in closed session to discuss such matters the substance of the closed session would be disclosed publicly only if it would not warrant an invasion of privacy or constitute a breach of the attorney client privilege.

A motion was made by Commissioner Shisha and seconded by Commissioner Wowkanech that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 10:44 AM.

Return to Public Session

A motion was made by Commissioner Shisha and seconded by Commissioner Wowkanech that the Commission return to Public Session.

All voted in favor.

The Commission returned to Public Session at 11:39 AM.

Resolution #17-12 to Approve the Upgrade of Captain Leonard Evans

A motion was made by Commissioner Shisha and seconded by Commissioner Wowkanech to pass Resolution #17-12 to approve the upgrade of Captain Leonard Evans to a Pilot of Third Grade. All voted in favor.

Adjournment

A motion was made by Commissioner Shisha and seconded by Commissioner Wowkanech that the meeting be adjourned. All voted in favor.

The meeting was adjourned at 11:42 AM.